IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1347 of 2001

Between:

B. Karunakara Reddy, S/o. Vasudeva Reddy,
Primary Agricultural Cooperative Society Limited, Mopuru,
Dakkili Mandalam, Nellore District.

..... PETITIONER

AND

1 The Chairman/Person In-charge, Primary Agricultural Cooperative Credit Society Limited, Mopuru, Dakkili Mandalam, Nellore District.
2 The Divisional Cooperative Officer, Gudur Division, Gudur, Nellore District.
3 The Joint Registrar/District Cooperative Officer, Nellore.
4 The Commissioner & Registrar of Cooperative Societies, Andhra Pradesh, Grihakalpa, Opp. Gandhi Bhavan, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus directing the respondents to continue the petitioner to work as Accountant cum Assistant Secretary in Primary Agricultural Cooperative Credit Society Limited, Mopuru, duly setting aside the notice of proposed termination dated 20-1-2001 of Respondent No.1, which was issued in spite of the services of the petitioner regularized in the post and having put in more than 7 years of service, declaring the same as arbitrary, illegal, un-warranted and in violation of Articles 14 & 16 of the Constitution of India, with a further direction to the respondents to continue the petitioner in PACs Mopuru with all the consequential benefits.

Counsel for the Petitioner: MR.SANKA RAMAKRISHANA RAO

Counsel for the Respondent Nos.2 to 4: G.P. for Cooperation

Counsel for the Respondent No.1: None appeared

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a direction to the respondents to continue the petitioner to work as Accountant-cum-Assistant Secretary in Primary Agricultural Cooperative Credit Society Limited (for short "P.A.C.C.S.L".) Mopuru with all consequential benefits duly setting aside the notice of the proposed termination, dated 20.1.2001 issued by the 1st respondent

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

The learned single Judge of this Court delivered a judgment in W.P.No.3171 of 2003 and batch, dated 30.8.2004. The relevant portion of the judgment reads as under.

> *"……..it is open for them to retrench/remove the surplus employees who are working contrary to the provisions of Section 116-C(1) of the Act. If any employee is retrenched or terminated contrary to the provisions of 25-F of the Industrial Disputes Act or 47 of the A.P. Shops and Establishments Act, 1988 as the case may be, it is open for them to seek appropriate reliefs provided under the said Acts."*

Challenging the aforementioned judgment, an appeal inW.A.No.163 of 2005, dated 7.2.2005 was preferred and the Division Bench of this Court dismissed the said appeal confirming the judgment, dated

30.8.2004.

Following the judgment in W.P.No.3171 of 2003 and batch, dated 30.8.2004, the writ petition is dismissed. However, the petitioner is at liberty to approach either Labour Court or any appropriate authority under A.P. Shops and Establishments Act, 1988 to seek for redressal of his grievance. The interim stay granted by this Court on 31.1.2001 in W.P.M.P.No.1670 of 2001 is vacated. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

6th June, 2005.

bcj

To

1 The Chairman/Person In-charge, Primary Agricultural Cooperative Credit Society Limited, Mopuru, Dakkili Mandalam, Nellore District.
2 The Divisional Cooperative Officer, Gudur Division, Gudur, Nellore District.
3 The Joint Registrar/District Cooperative Officer, Nellore.
4 The Commissioner & Registrar of Cooperative Societies, Andhra Pradesh, Grihakalpa, Opp. Gandhi Bhavan, Hyderabad.

5 Two C.Cs. to the Govt. Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.